

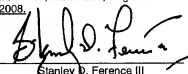
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Mary Darlene Temple
Serial No. : 10/725,806 Examiner : Ackun, Jacob
Filed : December 2, 2003 Art Unit : 3728
For : APPARATUS AND METHOD FOR DELIVERY OF
MEDICATION

February 25, 2008

RESPONSE TO RESTRICTION REQUIREMENT

I hereby certify that this correspondence and any documents referred to as enclosed therewith are being filed with the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, by EFS Web on February 25, 2008.


Stanley D. Ference III
Reg. No. 33,879

February 25, 2008

Date of Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is responsive to the Office Action dated January 24, 2008, for the above-identified application. Please note the fact that February 24, 2007, was a Sunday ensures that this paper is timely filed as of today, Monday, February 25, 2008 (the next business day).

The Examiner has asserted that claims 1-10, drawn to a medication delivery system, claims 11-15, drawn to a medication storage and organization system, and claims

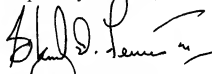
16-20, drawn to a glucometer, are related as subcombinations disclosed as usable together in a single combination and are each directed to distinct inventions. Although never explicitly stated, Applicants understand the Examiner's issuance of a restriction requirement to indicate that the Examiner has required that Applicant elect one group of claims for prosecution.

Applicant respectfully traverses the restriction requirement. Applicant asserts that even if the claims are directed towards distinct inventions, the claims of both Groups I, II and III should be examined at the same time. See MPEP § 803 (stating "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions"). That the claimed invention may fall within different classifications does not mean both classes should not be searched. See MPEP § 904.02(a) (stating "The field of search should extend to all probable areas relevant to the claimed subject matter and *should cover the disclosed features which might reasonably be expected to be claimed*"). Even if the claims were framed a different way, it is likely that the features disclosed and found in the instant claims (e.g., groups I, II and III) could be claimed as part of the system (i.e., group I). Accordingly, Applicant respectfully requests the restriction requirement be withdrawn and all claims be examined at this time because there is no serious burden upon the Examiner in doing so. In the event the restriction requirement is not withdrawn, Applicant provisionally elects the claims of Group I (e.g., Claims 1-10).

At the time the application was filed, Applicant also submitted Petition to Accept Color Drawings. Applicant has not yet received a decision on the Petition. Clarification

is respectfully requested regarding the status of the Petition and the current state of the drawings.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stanley D. Ference III", written over a horizontal line.

Stanley D. Ference III
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